

**Senate File 2149 - Introduced**

SENATE FILE 2149

BY McCOY

**A BILL FOR**

1 An Act relating to the criminal transmission of the human  
2 immunodeficiency virus and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 692A.101, subsection 1, paragraph  
2 a, subparagraph (9), Code 2011, is amended by striking the  
3 subparagraph.

4 Sec. 2. Section 692A.102, subsection 1, paragraph c,  
5 subparagraph (23), Code Supplement 2011, is amended by striking  
6 the subparagraph.

7 Sec. 3. Section 709C.1, subsection 1, unnumbered paragraph  
8 1, Code 2011, is amended to read as follows:

9 A person commits criminal transmission of the human  
10 immunodeficiency virus or attempted criminal transmission of  
11 the human immunodeficiency virus if the person, knowing that  
12 the person's human immunodeficiency virus status is positive,  
13 does any of the following:

14 Sec. 4. Section 709C.1, subsection 3, Code 2011, is amended  
15 to read as follows:

16 3. a. Criminal transmission of the human immunodeficiency  
17 virus is a class "B" felony if infection with the human  
18 immunodeficiency virus occurred.

19 b. Attempted criminal transmission of the human  
20 immunodeficiency virus is an aggravated misdemeanor if no  
21 infection with the human immunodeficiency virus occurred.

22 Sec. 5. Section 709C.1, subsection 4, Code 2011, is amended  
23 by striking the subsection.

24 EXPLANATION

25 This bill relates to the criminal transmission of the human  
26 immunodeficiency virus.

27 The bill provides a different criminal penalty for criminal  
28 transmission of the human immunodeficiency virus and for  
29 attempted criminal transmission of the human immunodeficiency  
30 virus. Under the bill, the criminal penalty for criminal  
31 transmission of the human immunodeficiency virus remains a  
32 class "B" felony if a human immunodeficiency virus infection  
33 occurred. If no human immunodeficiency virus infection occurs,  
34 the offense is classified as attempted criminal transmission  
35 of the human immunodeficiency virus, and this offense is

1 classified as an aggravated misdemeanor.

2 Current law classifies criminal transmission of the human  
3 immunodeficiency virus as a class "B" felony and specifies  
4 that it is not necessary for an infection with the human  
5 immunodeficiency virus to occur in order to be convicted of  
6 criminal transmission of the human immunodeficiency virus.

7 The bill strikes a provision requiring a person convicted  
8 of criminal transmission of the human immunodeficiency virus  
9 to register as a tier III sex offender. The bill also strikes  
10 the offense from the definition of "aggravated offense" under  
11 Code chapter 692A which requires lifetime registration as a sex  
12 offender under Code section 692A.106(5).

13 A class "B" felony is punishable by confinement for no more  
14 than 25 years. An aggravated misdemeanor is punishable by  
15 confinement for no more than two years and a fine of at least  
16 \$625 but not more than \$6,250.